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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,716	07/28/2003	Yigang Cai	26	6719
7590 Lucent Technologies Inc. Docket Administrator (Room 3J-219) 101 Crawfords Corner Road Holmdel, NJ 07733-3030			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/628,716

**Applicant(s)**

CAI, YIGANG

**Examiner**

Asfand M. Sheikh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1, 2, 5, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (US 6,226,364 B1) in view of Ritter (US 6,543,686 B1).

Claims 1 and 10

O'Neil discloses two accounts that allow for subscriber exceed exceeds a first account threshold, defining surplus activity, billing at least a portion of the surplus activity to a supplementary account (see at least, col. 15, lines 39-51 and col. 8, lines 60 - col. 9, lines 6).

O'Neil fails to disclose monitoring subscriber activity relative to one or more post-paid plan thresholds, subscriber activity defining an amount of service provided to the subscriber within a billing period associated with the postpaid

account and for so long as the subscriber activity does not exceed a postpaid plan threshold, billing the subscriber activity according to the postpaid account.

Ritter teaches monitoring subscriber activity relative to one or more post-paid plan thresholds, subscriber activity defining an amount of service provided to the subscriber within a billing period associated with the postpaid account (see at least, col. 4, lines 21-25: the examiner notes a time measuring device in the SIM would be monitor and col. 5, lines 43-48: the examiner notes post paid); for so long as the subscriber activity does not exceed a postpaid plan threshold, billing the subscriber activity according to the postpaid account (see at least, col. 5, lines 43-48: the examiner notes of the post paid is exceeded it is blocked therefore it must bill if not exceeded).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of O'Neils first and supplement account billing system to include monitoring subscriber activity relative to one or more post-paid plan thresholds, subscriber activity defining an amount of service provided to the subscriber within a billing period associated with the postpaid account and for so long as the subscriber activity does not exceed a postpaid plan

threshold, billing the subscriber activity according to the postpaid account as taught by Ritter. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to simplify the billing method by making it less time-consuming and expensive for a network operator that requires a complex billing system (see at least, Ritter, col. 1, lines 10-24).

Claim 2

O'Neil teaches if the subscriber activity exceeds the first account threshold, defining surplus activity, sending a message including indicia of the subscriber activity exceeding of the first account threshold (see at least, col. 15, lines 53-67: the examiner notes interruption/verification via PIN is interpreted as a message including indicia (e.g. entering of PIN) of exceeding a first account threshold).

O'Neil fails to teach a post-paid threshold as an account.

Ritter teaches a post-paid threshold as an account (see at least, col. 4, lines 21-25: the examiner notes a time measuring device in the SIM would be monitor and col. 5, lines 43-48: the examiner notes post paid).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings

of O'Neils first and supplement account billing system to include a post-paid threshold as an account as taught by Ritter. The motivation to combine is the same as claim 1, above.

Claim 5

O'Neil discloses two accounts that allow for subscriber exceed exceeds a first account threshold, defining surplus activity, billing at least a portion of the surplus activity to a supplementary account (see at least, col. 15, lines 39-51 and col. 8, lines 60 - col. 9, lines 6).

Ritter teaches monitoring subscriber activity relative to plan thresholds, subscriber activity defining an amount of service provided to the subscriber within a billing period associated with the account (see at least, col. 4, lines 21-25: the examiner notes a time measuring device in the SIM would be monitor and col. 5, lines 12-48); for so long as the subscriber activity does not exceed a plan threshold, billing the subscriber activity according to the account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of O'Neils first and supplement account billing system to include a billing mechanism for an pre-paid account as taught by

Ritter. The motivation to combine is the same as claim 1, above.

Claim 6

The examiner notes that O'Neil teaches monitoring an account for surpluss activity and billing a supplemental account (see at least, col. 15, lines 39-51 and col. 8, lines 60 - col. 9, lines 6) and further alternate payment sources (see at least, col. 9, lines 42-49) however fails to specifically teach determining if a supplemental account can accept overcharges.

Ritter teaches a prepaid account to be checked and verified and further billing the prepaid account if it is able to accept the charge (col. 5, lines 12-48: the examiner notes that this is the fundamental feature or prepaid accounts being able to verify its amount and then charging the prepaid account if funds exist).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of O'Neils first and supplement account billing system to include a prepaid account to be checked and verified and further billing the prepaid account if it is able to accept the charge as taught by Ritter. The motivation to combine is the same as claim 1, above.

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Claim 8

O'Neil teaches a postpaid account balance is used for the billing of a postpaid account (see at least, col. 10, lines 9-23).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (US 6,226,364 B1) in view of Walter et al. (US 2002/0022472 A1).

Claim 3

O'Neil discloses two accounts that allow for subscriber exceed exceeds a first account threshold, defining surplus activity, billing at least a portion of the surplus activity to a supplementary account (see at least, col. 15, lines 39-51 and col. 8, lines 60 - col. 9, lines 6).

O'Neil fails to disclose wherein the supplementary account is a pre-paid account.

Walter discloses a system that allows the user to have both a pre-paid and post paid account and establishing how each account should be billed based on multiple chosen scenarios (see at least, [0024] and [0026] and [0031]-[0032]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings



of O'Neils first and supplement account billing system to include a system that allows the user to have both a pre-paid and post paid account and establishing how each account should be billed based on multiple chosen scenarios as taught by Wlaster. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to have a mobile phone system that is capable of handling and monitoring different types of usage and account activities for a wireless device (see at least, [0006]).

#### Claim 4

O'Neil teaches that a prepaid account balance would be charged a lower rate than the postpaid account balance if a balance exists on the prepaid account and thus charging a higher rate for surplus activity to the postpaid if no balance exists on the prepaid (see at least, col. 8, line 60 - col. 9, line 6).

O'Neil fails to specifically state billing a surplus activity at a lower rate to the prepaid account if the postpaid threshold is exceeded.

The examiner notes that the billing a surplus activity at a lower rate to the prepaid account if the postpaid threshold is exceeded is a matter of design choice in the fact that O'Neil teaches the same exact fundamental idea but with roles reversed.

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The design choice is relied on the fact that it is up to the user to define how rates will be established and its known in the art to provide incentives or extra charges depending on a given billing scenario. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to allow for profit gearing and customer satisfaction for a given business.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (US 6,226,364 B1) in view of Ritter (US 6,543,686 B1) as applied to claim 6 and 8 above, and further in view of Examiner's Official Notice.

Claims 7 and 9

O'Neil teaches if the subscriber activity exceeds the first account threshold, defining surplus activity, sending a message including indicia of the subscriber activity exceeding of the first account threshold (see at least, col. 15, lines 53-67: the examiner notes interruption/verification via PIN is interpreted as a message including indicia (e.g. entering of PIN) of exceeding a first account threshold).

O'Neil fails to specifically state sending a message with indicia with regards to billing a prepaid account or billing a postpaid account.

The examiner takes Official Notice that it is old and well known to send a message to any user indicating it will be billed (further messaging regarding any further billing) as already shown by O'Neil message as indicating in claim 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of O'Neils first and supplement account billing system to include further messaging regarding any further billing as taught by the Examiner's Official Notice. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order properly notify a user before billing them in order to avoid confusion.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be

reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit  
3627

Asfand M Sheikh  
Examiner  
Art Unit 3627

/Asfand M Sheikh/  
Examiner, Art Unit 3627